

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK
FEB 13 2009
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2007-0332
)	DEPARTMENT A
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
MICHELE LOUISA VALENZUELA,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20063596

Honorable Gus Aragón, Judge

AFFIRMED

Wanda K. Day

Tucson
Attorney for Appellant

PELANDER, Chief Judge.

¶1 Michele Valenzuela was convicted after a jury trial of second-degree burglary and theft by control or by controlling stolen property. The trial court suspended imposition of sentence and placed her on probation for a term of three years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999),

counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Valenzuela has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence and reasonable inferences therefrom established that Valenzuela drove her niece, Katrina P., to the home of Brett M., knowing that Katrina intended a burglary. Katrina entered the home without permission and took electronic equipment, video recordings, shoes, and car keys belonging to Brett. Valenzuela held her vehicle’s door open while Katrina loaded the stolen items into the vehicle. Valenzuela then drove away with Katrina and the property.

¶4 Substantial evidence supported findings of all the elements necessary for Valenzuela’s convictions, *see* A.R.S. §§ 13-301, 13-303, 13-1507, 13-1802(A)(1), (5), and her probationary term was authorized by A.R.S. §§ 13-901 and 13-902. We find neither fundamental nor reversible error and therefore affirm Valenzuela’s convictions and placement on probation.

JOHN PELANDER, Chief Judge

CONCURRING:

JOSEPH W. HOWARD, Presiding Judge

PHILIP G. ESPINOSA, Judge